
L A W S

ENACTED IN THE FIRST SITTING

OF THE FIRST

GENERAL ASSEMBLY

OF THE

COMMONWEALTH

OF

P E N N S Y L V A N I A,

Which began at *Philadelphia*, November 28, 1776, and
was continued by adjournments to *March 21*, 1777.

CHAPTER I.

An ACT to enable a smaller number of the members of assembly than a quorum to collect the absent members, and issue writs for filling vacancies occasioned by neglect or refusal.

1777.
The first Year
of the Commonwealth.

SECTION I. **W**HEREAS it is found necessary to empower a less number than two thirds of the representatives of the freemen of this state, in assembly met, to collect the absent members, in order that the public business may not be delayed ;

Preamble.

SECT. 2. *Be it therefore enacted, and it is hereby enacted, by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same, That from and after the publication of this act,*

If a quorum do not meet in six days, speaker may send for absent if members.

1777.

The first Year
of the Com-
monwealth.

allegiance
before the
first of July.

pinels of a free and independent people, fundry persons have or may yet be induced to withhold their service and allegiance from the commonwealth of Pennsylvania as a free and independent state, as declared by congress: *And whereas* fundry other persons, in their several capacities, have, at the risk of their lives and the hazard of their fortunes, or both, rendered great and eminent services in defence and support of the said independence, and may yet continue to do the same; and as both those sorts of persons remain at this time mixed, and in some measure undistinguished from each other, the disaffected deriving undeserved service from the faithful and well affected: *And whereas* allegiance and protection are reciprocal; and those who will not bear the former, are not nor ought to be entitled to the benefits of the latter: Therefore, *Be it enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in general assembly met, and by the authority of the same,* That all male white inhabitants of this state, (except of the counties of Bedford, Northumberland and Westmoreland) above the age of eighteen years, shall, on or before the first day of July next, take and subscribe the following oath or affirmation before some one of the justices of the peace of the city or county where they shall respectively inhabit; and the inhabitants of the said counties of Bedford, Northumberland and Westmoreland, above the said age, shall, on or before the first day of August next, take and subscribe the said oath or affirmation, before some one of the justices of the said three counties last mentioned, in which they shall respectively inhabit; and the said justice shall give a certificate thereof to every such person; and the said oath or affirmation shall be as followeth, viz.

The oath.

“ I do swear, or affirm, that I renounce
“ and refuse all allegiance to George the third, king of Great
“ Britain, his heirs and successors; and that I will be faith-
“ ful and bear true allegiance to the commonwealth of Penn-
“ sylvania as a free and independent state; and that I will
“ not at any time do, or cause to be done, any matter or
“ thing that will be prejudicial or injurious to the freedom
“ and independence thereof, as declared by congress; and also
“ that I will discover and make known, to some one justice
“ of peace of the said state, all treasons, or traitorous con-
“ spiracies, which I now know or hereafter shall know to
“ be formed against this or any of the united States of
“ America.”

And

THOMAS WHARTON, Jun. Esq. President,

63

And the form of the said certificate shall be as followeth, viz.

1777.

*The first Year
of the Com-
monwealtb.*

The certificate.

" I do hereby certify, that both volun-
" tarily taken and subscribed the oath or affirmation of
" allegiance and fidelity, as directed by an act of general
" assembly of Pennsylvania, passed the thirteenth day of
" June, A. D. 1777. Witness my hand and seal, the
" day of A. D. (L.S.)

SECT. 3. *And be it further enacted by the authority aforesaid,* That the justice or justices of the peace, before whom such oath or affirmation shall be subscribed, shall keep fair registers of the names and surnames of the persons so sworn or affirmed, and the time when, and shall, on or before the first day of October in every year, transmit in writing, under his or their hands and seals, to the office of recorder of deeds for the said city or county, a true list of the names and surnames of those who, within the same year, have so sworn or affirmed before them respectively; and the said justice or justices shall have and receive therefor, and for the said certificate, the sum of one shilling, and no more, for every person so sworn or affirmed; and the said justice or justices shall lay their accounts before the county commissioners, or any two of them, from time to time, to be examined and allowed; and the said commissioners shall draw orders on the county treasurers for such sums as shall be so allowed, which orders the said treasurers are hereby authorized and required to pay out of the state taxes; and the recorders of deeds, in the city and several counties of this state, are hereby enjoined to record the said lists, in books to be prepared for that purpose, and shall be paid for the same, in the same manner as the justices, at the rate of five shillings for every hundred names.

SECT. 4. *And be it further enacted by the authority* Incapacities
and penal-
ties on those
who ne-
glect or re-
fuse to
swear or af-
firm.
aforesaid, That every person above the age aforesaid refusing
or neglecting to take and subscribe the said oath or
affirmation, shall during the time of such neglect or
refusal, be incapable of holding any office or place of
trust in this state, serving on juries, suing for any debts,
electing or being elected, buying, selling or transferring
any lands, tenements or hereditaments, and shall be dis-
armed by the lieutenant or sublieutenants of the city or
counties respectively.

SECT. 5. *And whereas* there is a danger of having the Nonjurors
seeds travelling,

1777.

*The first Year
of the Com-
monwealth.*

to be taken
up, and the
oath, &c.
tendered, to
be commit-
ted on re-
fusal.

feeds of discord and disaffection greatly spread by persons, whose politic principles are not known, removing or travelling from one part of the state, to another, and it is well known that this state is already become (and likely to be more so) an asylum for refugees flying from the just resentment of their fellow citizens in other states: For remedy whereof, *Be it enacted by the authority aforesaid,* That every person above the age aforesaid, who shall travel, out of the county or city in which he usually resides, without the certificate aforesaid, may be suspected to be a spy, and to hold principles inimical to the united states, and shall be taken before one of the justices nearest to the place where he shall be apprehended, who shall tender to him the said oath or affirmation; and upon his refusal to take and subscribe the said oath or affirmation, the said justice shall commit him to the common goal of the city or county, there to remain without bail or mainprize until he shall take and subscribe the said oath or affirmation, or produce a certificate that he hath already done so.

Travellers
from other
states to
take the
oath, &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That all persons coming from any of the other united states into this state are hereby required to apply to one of the nearest justices after he enters this state, and take and subscribe the said oath or affirmation, upon the penalty of being dealt with as in the case of persons travelling or removing out of the city or county in which they usually reside, unless he can produce a certificate that he hath taken an oath or affirmation of the like nature in the state from whence he came.

Except de-
legates, &c.

SECT. 7. *Provided always nevertheless,* That delegates in congress, prisoners of war, officer and soldiers in the continental army, merchants and mariners trading in the ports of this state, from foreign powers in amity with the united states, and not becoming resident, are declared not to be within the intent and meaning of this act.

Forgers or
counter-
feiters of
certificates
to be fined
fifty pounds
or whipped.

SECT. 8. *And be it further enacted,* That if any person shall forge such certificate, as by this act is to be made out and given by any one of the justices of the peace of this state; or shall cause or procure others to forge or counterfeit the name and seal of the justice of the peace to such certificate, or shall, by erasing or otherwise taking out, or covering or passing over, a man's name that was wrote in a true and genuine certificate, alter the same so as to serve
his

THOMAS WHARTON, Jun. Esq. President.

65

his own or any other man's purposes; or shall produce and make use of any such certificate, knowing it to be forged or altered; every such person and persons so offending, and being thereof legally convicted before any court of general quarter sessions of the peace of the city or county where such offence shall be committed, shall be fined the sum of fifty pounds, and be committed to jail, until he pays the fine and costs of prosecution: And if he shall not, within the space of thirty days, satisfy the judgment of the court, he shall be whipped with any number of lashes not exceeding thirty nine, on his bare back, well laid on.

1777.

The first Year
of the Commonwealth.

JOHN BAYARD, SPEAKER.

Enacted into a law the 13th Day of June, 1777.
JOHN MORRIS, junior, clerk of the general assembly.

CHAPTER XXII.

A supplement to the act, intituled, "An Act for amending the several acts for electing members of assembly."

SECTION I. **W**HEREAS by one of the said acts, Preamble. intituled, "*An Act to ascertain the number of members of assembly, and to regulate the elections,*" passed in the year of our Lord one thousand seven hundred and five, it is enacted, "That the sheriff, or some other of the persons appointed judges of the election of members of assembly, shall open the paper of an illiterate elector containing the names of those persons for whom he votes, read the same names, and ask such elector whether these are the persons for whom he votes."

SECT. 2. *And whereas* it is highly dangerous to the freedom of elections in this commonwealth that the sheriffs and other persons appointed judges of elections, should continue to be invested with the power of searching and discovering for whom any elector shall vote to represent him: *Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania in general assembly met, and by the authority of the same,* That from and after the passing of this act, no sheriff, coroner, in-

No sheriff
or judge of
election to
open and
read any
ticket.

R

spector,